IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 24622 of 2007(F)

PETITIONER:

T.P. SALEEM,
S/O. SAIDUTTY, AGED 28 YEARS,
UPPER PRIMARY SCHOOL ASSISTANT
M.M.A.U.P.SCHOOL, P.O. AVILORA,
THAMARASSERY SUB DISTRICT, KOZHIKODE.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION JAGATHY, TRIVANDRUM-14.

3. THE ASSISTANT EDUCATIONAL OFFICER, THAMARASSERY, KOZHIKODE DISTRICT.

4. THE MANAGER, M.M.A.U.P. SCHOOL, P.O. AVILORA, THAMARASSERY SUB DISTRICT, KOZHIKODE DISTRICT.

BY GOVERNMENT PLEADER SRI. A.J VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.24622 of 2007

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Dated this the 23rd day of August, 2007.

JUDGMENT

The complaint of the petitioner, an UPSA appointed by the fourth respondent, is that the question of approval of his appointment is unnecessarily shuttled up and down by the statutory respondents. The Rules governing the appointment are made to ensure that there is a standard regulation of such matters. When an appointment order is forwarded by the Manager in terms of the provisions of the Kerala Education Rules, it is the bounden duty of the official respondents to consider the question of approval of such appointment. That issue cannot be delayed unnecessarily because, the teacher would be entitled to payment for the work done and the liability may also get fastened on the public exchequer to pay salary to him. At any rate, it is impermissible to have a piece-meal look into the question of approving a particular appointment.

2. Under the aforesaid circumstances, while

leaving open all the contentions on merit, this writ petition is disposed of, after hearing the learned counsel for the petitioner and the learned Government Pleader, directing that the third respondent shall take up the file relating to the appointment of the petitioner and consider such appointment for approval in accordance with law. A final decision in that regard shall be taken and communicated to the fourth respondent within an outer limit of 45 days from the date of receipt of a copy of this judgment.

Thottathil B.Radhakrishnan,
Judge.

sl.